

** These minutes have not yet been approved by the Committee Chairwoman.*

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: August 11, 2004

CALLED TO ORDER: 5:07 p.m.

ADJOURNED: 8:02 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman
Scott Schneider
Steve Talley

Absent Members

AGENDA

PROPOSAL NO. 468, 2004 - amends the Revised Code with respect to various fees paid to the Marion County Sheriff's Department
"Postpone" action until 08-18-04

Vote 7-0

BUDGET HEARING

Overview – County Auditor
Marion County Sheriff
Forensic Services Agency
Marion County Public Defender's Agency
Metropolitan Emergency Communication Agency (MECA)

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, August 11, 2004. Chairwoman Mary Moriarty Adams called the meeting to order at 5:07 p.m., with the following members present: Sherron Franklin, Lynn McWhirter, William Oliver, Lincoln Plowman, Scott Schneider and Steve Talley.

PROPOSAL NO. 468, 2004 - amends the Revised Code with respect to various fees paid to the Marion County Sheriff's Department

Councillor Talley moved, seconded by Councillor Franklin, to "Postpone" Proposal No. 468, 2004 to the Committee's August 18, 2004 meeting. This motion carried by a vote of 7-0.

BUDGET HEARING

Overview – County Auditor Marty Womacks

Marty Womacks, Marion County Auditor, stated the cuts that are in the proposed 2005 budget are very challenging, but the goal is to have the proposed revenues meet the proposed expenditures. Ms. Womacks gave a slide presentation of the Auditor's Budget Overview, (Exhibit A).

[Clerk's Note: Exhibit A is on file with the original set of minutes from this meeting in the Council office.]

Key Points of the presentation were:

- The Auditor's Budget assumes the County will lose \$2.2million in the second half of 2004 due to property tax appeals.
- COIT is estimated by the State Budget Agency to fall by 8% in 2005 or \$8.1 million countywide.
- Interest earnings are projected to improve modestly due to rising interest rates.
- 50% of the County dollars come from Property Tax.
- 70% of the County dollars go to Public Safety and Judiciary.
- The 2005 Public Safety and Criminal Justice funded Budget is \$169.3 million. The requested Budget was \$186.3 million.
- The Auditor's Office will pursue other revenue enhancement opportunities.
- DOC Payments are behind four years.

Councillor McWhirter asked if it would help COIT if the economy picks up. Auditor Womacks stated that COIT is paid in arrears; therefore, if the economy got better this year, it would benefit COIT in 2006.

Councillor Talley asked how much is owed by the county to the Department of Corrections (DOC) and when does the county plan on making payment to DOC. Auditor Womacks stated the total amount owed to DOC was \$51 million as of the end of 2003, and there is nothing included in the 2005 budget for payments to DOC. Councillor Talley asked if there are any other payments that the County owes that are not included in the 2005 budget. Auditor Womacks answered in the negative. Dan Jones, Deputy Auditor, said the State created a new fund in the 2004 budget associated with the Family and Children budget. He said that if there is a balance remaining in that budget at the end of the year, that balance is dedicated to DOC payments. Auditor Womacks stated that the State might sue Marion County for the \$51 million. If that were to occur, there would be a mechanism for repayment of the judgement.

Chairwoman Moriarty Adams asked if the other counties in the state have the same budgetary constraint situation as Marion County. Auditor Womacks answered in the affirmative.

Councillor Oliver asked how the proposed budget plan would change if Marion County was ordered to make a payment to DOC for 2005. Auditor Womacks said that Marion County continues to try to get legislative relief, but if the county was ordered to pay, there would have to be a special tax rate outside of the frozen levy.

Councillor Talley asked if this special tax rate would impose a tax increase on the taxpayers. Auditor Womacks answered in the affirmative. Councillor Talley asked what is needed to bring Marion County to a balanced budget. Auditor Womacks stated it would take approximately \$21 million. Councillor Talley asked if that includes DOC payments. Auditor Womacks answered in the negative. Mr. Jones stated that if Marion County were to make a payment of \$10million, it would have to come from another revenue source.

Councillor McWhirter asked how much further the County has to go with the privatization of Jail 1. Mr. Jones stated the next step is to do a direct and indirect cost study of the jail and calculate what a new per diem would be to house a prisoner in Jail 1.

Councillor Oliver asked what the present cost is to have a prisoner in jail per day. Auditor Womacks stated that the cost is \$39.95 per day. She stated the current cost for Jail 1 to house a prisoner is \$45.00.

Marion County Sheriff's Department (MCSD) –Major Ron Chappell

Major Ron Chappell, Marion County Sheriff's Department, stated that the 2005 budget has presented a lot of problems for the Sheriff's Department. Major Chappell stated there is a \$13 million difference between the requested budget and the Auditor's proposed budget. Major Chappell explained the MCSD packet. (Exhibit B).

[Clerk's Note: Exhibit B is on file with the original set of minutes from this meeting in the Council office.]

Key Points of the presentation were:

- The 2005 budget does not cover all the salaries and benefits of the MCSD.
- There are two major programs that need to be addressed in the 2005 budget. The first is the need to hire additional merit deputies (for road patrol) and detectives in order to meet the increasing population in MCSD's jurisdiction. The second is to find long-range solutions to relieve jail overcrowding.
- The Auditor's proposed budget would require a decrease of 345 inmates in Jail II.

Chairwoman Moriarty Adams asked if the contracts for the various public safety agencies are fully funded. Mr. Jones stated the 2005 budget was based on actual spending through June 30, 2004, and based on that, the contracts would be fully funded. Major Chappell stated the 2005 proposed budget does not include the FICA insurance, the shift differential, or the PERF insurance for the dispatchers contract.

Councillor McWhirter asked what the salary is for correctional officers. Major Chappell stated the starting salary is \$26,323 and then increases \$ 1,200 each year.

Councillor Talley asked what would happen to the inmates if the proposed budget for 2005 would pass. Major Chappell said inmates would be transferred out of Jail II and transported to the Jail 1. This would increase the Jail 1 population, and the cost to the county would be \$13,800 per day.

Councillor Oliver asked if the employment level for the Sheriff's Department increased as population in Marion County increased. Captain Mark Wood, MCSD, answered in the negative.

Chairwoman Moriarty Adams asked what the total cost is for gasoline. Major Chappell said \$1,106,000 would take MCSD to the end of 2004.

Councillor McWhirter asked with what gas station is MCSD contracted. Major Chappell stated there is a credit card with the fleet services, and MCSD had a contract with the Speedway gas station.

Chairwoman Moriarty Adams asked how many cars used by county agencies have gasoline funded from the Sheriff's fund. Major Chappell stated that there are 140 cars that are supported out of the Sheriff's fund.

Councillor Schneider asked how many cars are allocated to the Marion County Sheriff's office for their use. Major Chappell stated there is one car per deputy allocated.

Chairwoman Moriarty Adams asked if the budget that the MCSD presented included any new deputies. Major Chappell answered in the negative.

Councillor Plowman asked what would happen with the gas card if the proposed budget cuts were passed. Major Chappell stated that the bill would be owed to the City Controller.

Chairwoman Moriarty Adams asked how the Commissary Fund and the County Exposition Fund can be used. Major Chappell stated the Commissary Fund is used mostly for prisoner benefit to bring the jail up to state statute. He stated the County Exposition Fund is used for transportation needs.

Indianapolis Marion County Forensic Services Agency (I-MCFSA) – Larry Schultz

Larry Schultz, Quality Assurance Manager of the Forensic Service Agency, stated that there are a lot of other duties that are performed that are not related to case work. Mr. Schultz explained the Forensic Services presentation (Exhibit C).

[Clerk's Note: Exhibit C is on file with the original set of minutes from this meeting in the Council office.]

Key Points of the presentation were:

- Fielded Web Report Viewer allows supported agencies to go into the system and get reports that are needed.
- The Office Manager is searching for different grant funding sources.
- The I-MCFSA is seeking advise from City Legal regarding new employees that get the training and then leave the agency to go to bigger cities for higher pay..
- The DNA caseloads have increased for 2004 by 20%.
- In 2003, I-MCFSA processed 8,439 drug cases. Four labs of the Indiana State Police processed 8,300 cases.
- I-MCFSA handles more Firearms cases than the State Lab system.
- Compensatory time is more expensive then paying overtime.

Mr. Schultz stated that the proposed budget for 2005 reduced overtime by \$22,254, based on overtime spent in the first six months of 2004. He said the Auditor did not take into consideration that \$11,000 in over time charges was paid from a federal grant, and there is no guarantee this grant will be available next year.

Chairwoman Moriarty Adams asked if the I-MCFSA reapplied for the grant that funded over time. Mr. Schultz answered in the affirmative and stated they should know something after October 2004. Mr. Schultz stated ,based on limited Character 01 money, I-MCFSA has encouraged employees to accrue compensatory time rather than paying overtime. Unfortunately compensatory time carries a liability of \$177,000 to the agency for 54 employees.

Chairwoman Moriarty Adams asked if compensatory time is paid out in cash and if so why is this money being paid out instead of allowing the employee to take the time off. Ms. Womacks stated that it is almost impossible for the employees to use the time within a two-week period. Mr. Terry Nelson, Deputy Auditor, stated that if they are non-exempt employees they are entitled to the pay and if they have the compensatory time in their account then they are legally required to be paid. Mr. Schultz stated the maximum amount of compensatory time allowed is 480 hours per year if you are a public safety employee.

Councillor Talley asked the Auditors if there had been any communication with the agencies regarding the proposed cuts. Auditor Womacks stated there was communication, but the Auditor's office was unable to reach everyone. Mr. Jones stated that the cause of these budget cuts was because of the recent information regarding the 8% shortfall in COIT.

Councillor Franklin asked what would happen if the City County Council would give all the agencies their requested budget for 2005. Mr. Jones stated that budget would never be approved by the state and if the state were to receive that budget, their method of reducing the budget would not be as sensitive as that of the Marion County Auditor's office.

Councillor McWhirter asked why the telephone charges are so much over the budgeted amount. Mr. Jones stated that ISA handles the phone charges.

Mr. Schultz stated that based on the proposed 2005 budget, the following actions would take place:

1. I-MCFSA will lose its Forensic Lab Accreditation.
2. The Biology Unit will have to close down.
3. A minimum of 9 positions will be eliminated.
4. In September, the telephone, email, and all the computers will be shut down.
5. All the Services will end in October as the safety and analytical supplies are depleted.

Chairwoman Moriarty Adams stated she is very concerned about losing the Forensic Lab Accreditation.

Councillor Talley asked what the difference is between the Forensic Lab and the Indiana State Police Lab. Auditor Womacks stated the State Police lab is a free service, but the turn around time is the problem. Mr. Schultz stated that turnaround time for a DNA case sent to the State Police Lab is two years, and the Marion County Courts would not tolerate that. Mr. Nelson said that the other counties are calling I-MCFSA because they don't want to go to the Indiana State Police Lab due to the long turn around time on cases.

Councillor Franklin asked if it is possible for I-MCFSA to look at charging the other counties to take cases. Mr. Nelson stated that is an option, and it is currently being researched; however, I-MCFSA would have to hire additional employees to handle the caseload. Councillor Franklin asked if there's anything that can be done legally to stop the employees from coming in, getting

the paid training, and then leaving for higher paying jobs. Mr. Nelson stated this is being researched.

Marion County Public Defender's Agency - David Cook

David Cook, Public Defender, stated the 2005 proposed budget represents a 7.5 % decrease to the agency budget for 2005. He stated that the judicial cuts suggested are the cuts that would most likely have an impact on services that are provided. The judicial cuts include contractual services to the Major Felony Courts who help take up the slack in the caseload. The conflict services have to be handled by contractual lawyers, because they are representing the clients that have conflicts with Marion County agencies.

Dee Dennis, Public Defender Administrator, explained the Marion County Public Defender's Agency presentation (Exhibit D).

[Clerk's Note: Exhibit D is on file with the original set of minutes from this meeting in the Council office.]

Key Points of the presentation were:

- The Public Defender's Agency has a division that provides 95% of the service for direct appeals in Marion County.
- Failure to properly fund the Juvenile Division, and budget cuts in other areas, will jeopardize the estimated 2005 reimbursement to Marion County.
- In the Major Felony Division, there are currently two investigators on staff and five additional investigators to provide effective representation.
- Marion County pays \$22,660 per contract attorney and has not increased this rate of pay for 11 years.
- The Marion County Public Defender Agency pays \$377 to handle a murder case when some attorneys get that much for 1-2 hours of work.
- The Public Defender Agency pays \$45 per hour for Hispanic Interpreting for client visits, depositions, and trials.

[Clerk's Note: Councillor Plowman left at 7:45 p.m.]

Chairwoman Moriarty Adams asked if the money that is reimbursed to Marion County by the state is designated as to how it can be spent. Mr. Cook answered in the negative, stating that it is free money that goes into the County General Fund to be appropriated by the City County Council.

Mr. Cook stated he went to Orlando, Florida to meet with Miami Dade County about its system of administrative fees. He said the Miami Dade County Public Defender would charge a \$45.00 application fee up front and expect that everyone would pay in the first 30 days of the life of the

case. He stated that their system would generate a lot more revenue than the recruitment efforts that Marion County uses. Mr. Cook said that if people pay a small amount of money up front instead of having fees ordered that people may or may not be able to pay, the money would generate a lot quicker and would come from the volume of people. Mr. Cook said the problem with a recruitment fee is that there is no remedy for not paying other than reducing the fee to a civil judgement.

Chairwoman Moriarty Adams asked if everyone has to pay the \$45.00 regardless of indigence. Mr. Cook answered in the affirmative and stated the Constitution states if a person is indigent, they are entitled to a lawyer at no cost. Chairwoman Moriarty Adams asked if there are any legal issues that need to be addressed for this system. Mr. Cook stated the only issue is whether the system can be put in place with a local ordinance that can be sent to full Council for a recommendation, or if there is a need to change some state statute. Mr. Cook stated he is working on this currently, and by the end of the year everything should be clear to implement some type of program for 2005.

Councillor McWhirter asked if this program was implemented, who would benefit from this special fund? Auditor Womacks stated the County would establish a special fund. Councillor McWhirter said if a particular agency is generating fees, then that agency should be entitled to use those fees.

Metropolitan Emergency Communications Agency (MECA) – Linn Piper

Linn Piper, Director of MECA, stated that MECA's budget is fully funded and that MECA does not derive its funds from the County General Fund. He stated there is an increase in Character 03 of \$120,000, but before the next meeting that amount will be substantially reduced. Mr. Piper said during 2005 the biggest challenge will be upgrading the radio system as well as maintaining the existing radio system. There will also be major upgrades to the law enforcement record systems in fire records management. Mr. Piper stated MECA has followed the guidelines for contractual service that the Auditor required.

Chairwoman Moriarty Adams asked what the upgrade would include. Mr. Piper stated it would include the replacement of all the radios that the officers have had that were purchased back in 1990, the fire house alerting system, and all of the end users equipment as well as the infrastructure. Mr. Cook stated this upgrade will not allow the Nextel phone system to interfere with public safety radio frequency.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 8:14 p.m.

Respectfully submitted,

Public Safety and Criminal Justice Committee
August 11, 2004
Page 9

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee

MMA/rjp